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5 Counsel for Defendant OCHOA-GUTIERREZ

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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) No. CR 08-00153 DLJ  
12 )  
13 Plaintiff, ) STIPULATION FOR CONTINUANCE  
14 v. ) AND EXCLUSION OF TIME UNDER  
15 ) THE SPEEDY TRIAL ACT, 18 U.S.C.  
16 JOSE LUIS OCHOA-GUTIERREZ, ) § 3161 ET SEQ.; **ORDER**  
17 Defendant. )  
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19 IT IS HEREBY STIPULATED, by and between the parties to this action, that the STATUS  
20 CONFERENCE currently scheduled for April 18, 2008, at 9:00 a.m. before the Honorable D.  
21 Lowell Jensen, be continued to May 16, 2008 at 9:00 a.m.

22 The requested continuance is sought under the Speedy Trial Act, 18 U.S.C. §§  
23 3161(H)(1)(F),(8)(A) and (B)(iv). The current status is that Mr. Ochoa-Gutierrez is charged with a  
24 violation of 8 U.S.C. §1326. Mr. Ochoa-Gutierrez was previously convicted of violating 8 U.S.C. §  
25 1326 in Arizona. Counsel for the defense is attempting to obtain records from that conviction  
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1 because they may be relevant to a disposition of this matter. In addition, undersigned counsel for the  
2 defense has been newly assigned to the case. The continuance would allow counsel for the defense  
3 to obtain records, now located out of state, which are necessary to the defense, and would allow time  
4 for the parties to discuss a possible negotiated disposition. The failure to grant such a continuance  
5 would unreasonably deny counsel for the defendant the reasonable time necessary for effective  
6 preparation, taking into account the exercise of due diligence.  
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8 The parties further stipulate that the time from April 18, 2008, to May 16, 2008, should be  
9 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and  
10 (B)(iv) for adequate preparation of counsel.  
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13 DATED: April 14, 2008

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WADE RHYNE  
Assistant United States Attorney

DATED: April 14, 2008

/S/

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COLLEEN MARTIN  
Assistant Federal Public Defender  
Counsel for Jose Luis Ochoa-Gutierrez

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/S/) within this e-filed document.

## ORDER

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the status conference date in  
this case, currently scheduled for Friday, April 18, 2008, at 9:00 a.m. may be continued to Friday,  
May 16, 2008, at 9:00 a.m. for status.

1 IT IS FURTHER ORDERED that the time from April 18, 2008 to May 16, 2008, should be  
2 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(8)(A) and  
3 (B)(iv) for adequate preparation of counsel so that defense counsel can investigate this case,  
4 including obtain records from out-of-state, and so that the parties can attempt to reach a settlement in  
5 this case. The Court finds that the ends of justice served by the granting of the continuance  
6 outweigh the best interests of the public and the defendant in a speedy and public trial and the failure  
7 to grant the requested continuance would unreasonably deny counsel the reasonable time necessary  
8 for effective preparation, taking into account due diligence.  
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10 SO ORDERED.

11 DATED: 4/15/08

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13 HONORABLE D. LOWELL JENSEN  
14 United States District Judge  
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